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JUN 19 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

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In the Matter of)

Administration of the)
North American Numbering Plan)

CC Docket No. 92-237
Phases One and Two

COMMENTS OF AT&T

Pursuant to the Commission's Public Notice, Report No. 2200, released May 30, 1997, AT&T Corp. ("AT&T") submits these comments on the petitions for reconsideration filed by various parties of the Commission's Second Report and Order, FCC 97-125, released April 11, 1997, in this docket ("Second Report"). AT&T also seeks clarification on one point, namely, that the two carrier identification code limit will be eliminated at the end of the transition period.¹

INTRODUCTION

In the Second Report (para. 27), the Commission determined that the transition for conversion from three digit Feature Group D Carrier Identification Codes ("CICs") to four digit CICs will end on January 1, 1998.² The

¹ The Second Report resolved the issues raised In the Matter of Administration of the North American Numbering Plan, 9 FCC Rcd. 2068 (1994) ("NPRM").

² The three digit CIC is part of a five digit carrier access code (10XXX), whereas the four digit CIC is part

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Commission found that shortening the transition period (from six years to two years nine months) during which both the three and four digit CICs and their respective five and seven carrier access code ("CAC") dialing arrangements would be recognized will serve the overall procompetitive purposes of the 1996 Act.

Although the Commission concluded that the transition under which both three and four digit CICs are recognized does not violate either the Communications Act's prohibitions against unreasonable practices (Section 201(b)) or against unreasonable discrimination (Section 202(a)), it nonetheless decided to end the transition as soon as practicable to lessen any negative effects of the disparity that may arise during the transition (para. 32). It also found that ending the transition would be consistent with the duty of local exchange carriers ("LECs") under Section 251(b)(3) of the Telecommunications Act of 1996 to permit competing providers to have nondiscriminatory access to telephone numbers, because it lessens the hardships that might result from the current conservation plan's limiting

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of a seven digit carrier access code (101XXXX). During the transition period, both three digit and four digit CICs could be utilized. Once the transition period is over, all customers would be required to use the four digit CIC (thus, AT&T's carrier access code would then become 1010288).

access to CICs and to services that multiple CICs make possible (paras. 32-33).

Finally, the Commission concluded that carriers, PBX owners, payphone providers, alarm companies and small, rural carriers do not need a transition beyond January 1, 1998 (para. 36). Similarly, the Commission found that the time remaining until the cutover date is sufficient to allow callers to become accustomed to dialing the extra digits (paras. 36, 44). And, the Commission did not believe that the supply of unassigned codes remaining in the code pool needed for the transition would outlast a longer transition period (para. 45).

VarTec (at 3-9), supported by ACTA, TCI and Telco, in petitioning for reconsideration, seeks to permanently grandfather three digit CIC codes for its nonpresubscribed long distance services. CompTel (at 2) supports an extended transition period (until January 1, 2000), claiming that the current expiration date of January 1, 1998 for permissive use of either three or four digit codes is insufficient time for long distance carriers to educate their customers, particularly given that not all LEC switches are configured to recognize four digit CICs (*i.e.*, seven digit carrier access codes). CompTel, supported by LDI, contends that until all LEC switches are upgraded to recognize the longer digits carriers cannot begin to educate consumers.

I. THE COMMISSION SHOULD NOT PERMANENTLY GRANDFATHER
THREE DIGIT CICS, ALTHOUGH IT COULD ALLOW A LONGER
TRANSITION.

In its comments filed May 21, 1996 in this proceeding, AT&T (at 5-6) had supported a six year transition period rather than the two year nine month transition period that the Commission adopted in the Second Report and showed that sufficient codes existed to allow for a longer transition. Accordingly, based on the considerations cited in the CompTel petition, AT&T has no objection to a longer transition, which would provide additional time for smaller LECs to upgrade their switches to recognize the longer codes, avoid the loss of any long distance traffic if a consumer in one of these areas had to employ a longer code than the switch could recognize, and allow additional time for consumer education.

Although AT&T has no objection to a longer permissive dialing period, it notes that upgrading of all LEC switches to accommodate the longer four digit CIC, while preferred, should not be regarded as an prerequisite to ending the transition period. Those small LECs that claim it is not economically feasible to upgrade their switches by the end of the transition period would be free to seek a waiver from the Commission.

On the other hand, AT&T is opposed to the permanent grandfathering of three digit CICS which VarTec seeks. As U S WEST in its May 27, 1997 comments (at 6) on VarTec's petition correctly explains, such a permanent

disparity could disadvantage new entrants who would be required to use a four digit CIC (*i.e.*, a seven digit carrier access code). Indeed, contrary to VarTec's assertions (at 8), there is no analogy between such a permanent grandfathering and the transitions to equal access and intraLATA presubscription. Rather, in each of these contexts, the Commission's ultimate solution is to put all carriers at parity by not requiring disparate dialing patterns.³

II. THE COMMISSION SHOULD CLARIFY THAT THE TWO CIC CODE PER ENTITY LIMIT WILL BE ELIMINATED WHEN THE TRANSITION PERIOD ENDS.

The Commission should clarify the Second Report to hold expressly that when the permissive dialing period ends, the two CIC code per carrier limit specified in the modified conservation plan (para. 31) will terminate and carriers will be free to obtain additional CICs to satisfy their need for additional codes, in accordance with industry guidelines.⁴ Indeed, this appears to be the Commission's

³ See also Pennsylvania Public Utility Commission Petition for Expedited Waiver of 47 CFR Section 52.19 for Area Code 412 Relief, CC Docket 96-98, Order, DA 97-675, released April 4, 1997, para. 15 (recognizing the inherent competitive advantage of dialing fewer digits), citing Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Second Report and Order, FCC 96-333, 61 Fed. Reg. 47284, 47330 (1996).

⁴ INC 95-0127-006, Section 3.1 limits each entity to six Feature Group D CICs.

intent. For example, the Second Report (para. 27) states that a "shorter transition period will allow us to end sooner the conservation plan which, as modified below, limits to two the number of CIC assignments per eligible applicant. . . ." Likewise, as the Commission also noted (para. 30), "the conservation plan, as modified, is necessary *as long as the transition continues* because abolishing the conservation plan during this period would likely cause rapid depletion of unassigned four digit CICs in the 5XXX and 6XXX range and necessitate a flash-cut to four digit codes" (emphasis added). Notably, one of the Commission's stated objectives in ending the transition was "to lessen any hardships that might result from the conservation plan's limiting access to CICs and to services that access to multiple CICs makes possible" (para. 33).

The clear implication of the Commission's statements is that the two code per carrier assignment limit will expire simultaneously with the expiration of the transition period and the conversion to mandatory four digit CICs. This is appropriate because, once the transition period is over, there will be no shortages of codes and carriers do, in fact, need additional CIC codes.

As Bellcore (the North American Numbering Plan Administrator) has acknowledged, carriers have multiple uses for CIC codes and "a failure to make assignments could

adversely affect development of new services."⁵ AT&T, for example, has several new applications that require separate CICs before customers can benefit from their deployment. The use of a separately identifiable CIC allows the network to recognize easily calls that require special routing and processing. Accordingly, the Commission should lift the two code per carrier limit at the expiration of the transition period.

As AT&T showed in its May 21, 1996 comments (at 7-9), because the Southwestern Bell Texas tariffs which created the extraordinary CIC code consumption problem by some unscrupulous carriers had already been revised, and codes were no longer being consumed at record levels, the Commission could have safely lifted the then existing moratorium, even during the transition period, so as to allow carriers which need codes for purposes other than intraLATA presubscription to obtain them.⁶ Although the

⁵ Letter, dated October 2, 1995, from R. R. Connors, Director, NANP Administration, Bellcore to Kathleen M. H. Wallman, Chief, Common Carrier Bureau, FCC.

⁶ The precipitous consumption of CIC codes occurred because of a Southwestern Bell tariff in Texas, under which Southwestern's operator transferred a caller making a 0- interLATA call to an interexchange carrier ("IXC") selected from a list prepared for this purpose (if the caller did not identify a preferred IXC). To maximize its traffic, a carrier would want to appear on the list as frequently as possible. And, the tariff required each list entry to have a separate CIC. Thus, some entities formed companies separate in name, but common in ownership, each of which applied for a separate CIC. See Letter, dated March 6, 1995, from R. R. Connors,

Commission instead modified and liberalized the conservation plan for the remainder of the transition period (para. 31), it did not expressly indicate that the two CIC code per carrier limit would be eliminated when the permissive dialing period ends, although this appears to have been its intent. The Commission should make that clarification now, consistent with its statements in the Second Report (paras. 27, 30, 33). This will allow carriers to obtain CICs to serve new applications, without creating code exhaust problems.

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Director, NANP Administration, Bellcore to K. Levitz,
Deputy Bureau Chief (Policy), Common Carrier Bureau, FCC.

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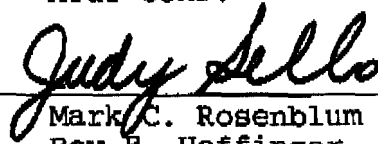
CONCLUSION

WHEREFORE, the Commission should clarify that the two CIC code per carrier limit will be lifted upon expiration of the permissive dialing period.

Respectfully submitted,

AT&T CORP.

By



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June 19, 1997

CERTIFICATE OF SERVICE

I, Viola J. Carlone, do hereby certify that on this 19th day of June, 1997, a copy of the foregoing Comments of AT&T Corp. was mailed by U.S. first class mail, postage prepaid, to the parties on the attached Service List.


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